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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,163	09/01/2000	Hiroshi Mikitani	KAK-001	5466

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
BORISSOV, IGOR N	

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/653,163	MIKITANI ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/04/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-13 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-13 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

IGOR N. BORISSOV
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/04/2006 has been entered.

Response to Amendment

Amendment received on 5/04/2005 is acknowledged and entered. Claims 5, 7, 14 and 15 have been canceled. New claims 19 and 20 have been added. Claims 1-4, 6, 8-13 and 16-20 are currently pending in the application.

Specification

The abstract of the disclosure is objected to because it is written in improper language.

Abstract:

"A lottery system utilizing the Internet, which enables a participant for a lottery to know a result of a lottery and a host to previously limit objective persons of a prize competition, is disclosed. When the user applies for the lottery, the user is informed of a result of a drawing immediately after the application of the user. An interactive lottery system which enables the user to know the result of the drawing can be constructed. Moreover, a host of the lottery sends an access key such as an ID, which is for applying for the lottery, to a customer and a user who is a potential customer, using an electronic mail, thus limiting participants for the lottery."

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

(1) if a machine or apparatus, its organization and operation;

(2) if an article, its method of making;

(3) if a chemical compound, its identity and use.

(4) if a mixture, its ingredients;

(5) if a process, the steps.

Appropriate correction is required.

The disclosure is objected to because of the following informalities:

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Specification; page 6, lines 26-28:

"After the participants 116 read the electronic mail sent to them, they reply

the electronic mail to the ID (S206)."

Specification; page 7, lines 6-7:

"The host 122 receives the electronic mail sent back from the participant 116 by an account of the ID especially provided."

Specification; page 7, lines 18-22:

"Moreover, based on the address expressing to whom the electronic mail is sent, which is described in a header portion of the electronic mail received, this address is confirmed to be a destination of the electronic mail for the prize competition."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6, 8-13 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 16, 17, 19 and 20 recites the following limitation:

"*allocating uniquely* the at least one electronic mail address to each one of the specified participants;", which is confusing. It is not clear what a method step does the term "*allocating uniquely*" actually contemplate.

Claim 16 recites the following limitation:

"allocating uniquely *an* electronic mail address to each of participants;

sending by a host a first electronic mail in which *an* electronic mail address is affixed as a unique access key to each one of a plurality of specified participants;", thereby indicating that the first electronic mail sent by a host includes an electronic mail which is different that said allocated uniquely *an* electronic mail address to each of

participants. However, claim 1, which is directed to a system to which method claim 16 corresponds, recites:

"means for uniquely allocating *an* electronic mail address to each of participants;

means for sending a first electronic mail to each of said participants, in which *the* electronic mail address is affixed as a unique access key to each of said participants;" thereby indicating that the first electronic mail sent *includes* said allocated uniquely *an* electronic mail address, which is confusing.

Claim 17 recites the limitation "enters the electronic mail address of the participant" in line 7. There is insufficient antecedent basis for this limitation in the claim.

The remaining claims are rejected as being dependent on the rejected independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 10-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg (US 2002/0161589) in view of Yacenda (US 2001/0003100).

Independent Claims

Claims 1 and 16, Strandberg teaches a method and system for utilizing a computer network for conducting telemarketing campaign, comprising:

allocating uniquely an electronic mail address to each of participants [0018]; [0019];

sending by a host a first electronic mail in which an electronic mail address is affixed as a unique access key to each one of a plurality of specified participants [0019];

recognizing said specified participants for a lottery by receiving a second electronic mail sent back to said electronic mail address from each of said participants [0020]; [0023].

Strandberg does not specifically teach that said telemarketing campaign includes conducting a lottery; and notifying each one of the participants of their result of said lottery.

Yacenda teaches a method and system for conducting a lottery via the Internet, wherein participants are notified of their result in said lottery, and wherein communications with the participants are conducted via e-mail [0013]; [0023]; [0056].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes conducting a lottery, as disclosed in Yacenda, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Yacenda to include notifying each one of the participants of their result of said lottery, as disclosed in Yacenda, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claim 10. Strandberg teaches a system for utilizing a computer network for conducting telemarketing campaign, comprising:

means for uniquely allocating a keyword to be entered in a page of a URL, to each of participants [0018]; [0019];

means for sending an electronic mail in which the keyword is affixed as a unique access key, to each of the participants [0019];

means for recognizing an application from each of said participants when said participant accesses the page of said URL and enters the keyword [0020]; [0023].

Strandberg does not specifically teach that said system includes a lottery system; and means for notifying each one of the participants of their result of said lottery.

Yacenda teaches a method and system for conducting a lottery via the Internet, wherein participants are notified of their result in said lottery, and wherein communications with the participants are conducted via e-mail [0013]; [0023]; [0056].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said system includes a lottery sytem, as disclosed in Yacenda, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Yacenda to include means for notifying each one of the participants of their result of said lottery, as disclosed in Yacenda, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claim 17. Strandberg teaches a system for utilizing a computer network for conducting telemarketing campaign, comprising:

means for uniquely allocating a URL to each of participants [0018]; [0019];

means for sending an electronic mail in which the URL is affixed as a unique access key, to each of the participants [0019];

means for recognizing an application from each of said participants when said participant accesses the page of said URL via e-mail [0020]; [0023].

Strandberg does not specifically teach that said system includes a lottery system; and means for notifying each one of the participants of their result of said lottery.

Yacenda teaches a method and system for conducting a lottery via the Internet, wherein participants are notified of their result in said lottery, and wherein communications with the participants are conducted via e-mail [0013]; [0023]; [0056].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said system includes a lottery sytem, as disclosed in Yacenda, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Yacenda to include means for notifying each one of the participants of their result of said lottery, as disclosed in Yacenda, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claims 19 and 20. Strandberg teaches a method and system for utilizing a computer network for conducting telemarketing campaign, comprising:

specifying participants for the campaign [0018];

providing at least one electronic mail address [0018];

allocating uniquely an electronic mail address to each of participants [0018]; [0019];

sending by a host a first electronic mail in which an electronic mail address is affixed as a unique access key to each one of a plurality of specified participants [0019];

recognizing said specified participants for a lottery by receiving a second electronic mail sent back to said electronic mail address from each of said participants [0020]; [0023].

Strandberg does not specifically teach that said telemarketing campaign includes conducting a lottery; and notifying each one of the participants of their result of said lottery.

Yacenda teaches a method and system for conducting a lottery via the Internet, wherein participants are notified of their result in said lottery, and wherein communications with the participants are conducted via e-mail [0013]; [0023]; [0056].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes conducting a lottery, as disclosed in Yacenda, because it would

advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Yacenda to include notifying each one of the participants of their result of said lottery, as disclosed in Yacenda, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Dependent Claims

Claim 2. Yacenda teaches an instant lottery, thereby indicating that the result of said lottery is obtained by a drawing performed when the participant applies for said lottely [0013]; [0023].

Claim 3. Yacenda teaches notifying each one of the participants of their result of said lottery via e-mail, thereby indicating that the result of said lottery is previously decided before said electronic mail is sent [0056].

Claims 4, 6, 11-13 and 18, see reasoning applied to claims 1, 10, 16, 17, 19 and 20.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg in view of Yacenda and further in view of Sarno (US 6,024,641).

Claim 8. Strandberg in view of Yacenda teach all the limitations of claim 8, except specifically teaching that the URL of the page informing of said result is separated into one for a win of a prize and the other for a failure in winning the prize.

Sarno teaches a system for on-line lottery gaming, including means for registering participants for said lottery via a Web site, means for conducting said lottery and means for notifying said participants of a result of said on-line lottery, wherein said means for registration includes means for entering an electronic address of a participant (C. 7, L. 23-26) and wherein said means for notification includes means for sending said notification via an electronic mail (C. 6, L. 14-16), and further wherein

the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize (Figs. 3B, 6; C. 6, L. 14 – C. 7, L. 32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg in view of Yacenda to include that the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize, as disclosed in Sarno, because it would advantageously allow to simplify reading of the lottery results.

Claim 9, Sarno teaches said system and method wherein by entering said access keyword and a mail address to which said access keyword is sent into the page informing said result, a page for the winner of the prize and a page of the loser in winning the prize can be accessed (C. 6, L. 14 – C. 7, L. 32). The motivation to combine references would be to simplify the access to the results of the lottery.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6, 8-13 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
1/20/2005

IGOR N. BORISSOV
PRIMARY EXAMINER